

Comments in MB Docket 17-106

Elimination of the Main Studio Rule and Staffing Requirements

At the present time, and in current and foreseeable circumstances, the main studio and staffing requirements of Section 73.1125 and the “Outer Banks Decision” are outdated, anachronistic, and counterproductive. They constitute an unnecessary and undesirable regulatory burden in the context of today’s “connected” society and communities. In fact, they work against the purpose for which they were originally intended at their inception many decades ago when technology and times were very different. These rules are ripe for elimination, and good cause exists for doing so, provided stations meet two fundamental requirements that ensure and enhance accessibility and accountability:

1. The station’s public file is posted online, and
- 2, The station maintains a local or toll-free telephone number in the community of license to enable members of the public reach station personnel during regular business hours.

Radio stations commonly report that the number of annual requests from members of the general public to examine their public files is few to none. Rules requiring the availability of paper files at a main studio that is staffed by station personnel during regular business hours were intended to help facilitate the Commission’s regulatory mission of assuring that radio stations in markets of all sizes serve the public interest, convenience, and necessity, and in that mission are accountable to the general public. Today, however, they fail to achieve that purpose, and may actually work to defeat it.

When a station meets the two requirements, its public service efforts become more transparent and accessible to the public than ever before. There can be no doubt that if a station’s public file is posted online, more members of the general public will become aware of its existence and perhaps avail themselves of the opportunity to review it and get involved with a station’s public service efforts. Public involvement is thus enhanced and encouraged to a greater extent than ever before. Hence the Commission would not be abrogating its responsibility to assure station accountability to the general public by eliminating the main studio and staffing rules for stations meeting the two requirements.

Another justification for the old main studio and staffing rules was to insure that a station staff member is always available to facilitate the review of a station’s public file by members of the general public at all times during regular business hours. In today’s environment, this justification is no longer valid. When the public file is available online, it may be viewed at any time day or night in the convenience of the home, on a smartphone or tablet, or in any public library that offers public access to a computer with internet access, as virtually every public library does. Additionally, because public libraries are intended to facilitate and encourage access by the general public, most are accessible for many more hours than the main studios of radio stations. Public library weekend hours facilitate access for members of the general public who work during the regular business hours during which stations’ main studios were required to be manned, and so were not even able to visit stations during hours specified by the old requirements.

Further, if a station's public file is available online at all times, the staffing requirements of Section 73.1125 and the "Outer Banks Decision" are not necessary to insure that a station is accountable to the general public for programming that serves its interest, convenience, and necessity. For stations meeting the two requirements noted above, the Commission should eliminate the requirement that every station maintain a fulltime staff of two, and that a staff member be present at the main studio at all times.


The requirement that at least one staffer must essentially remain "chained" to the main studio during regular business hours restricts the ability to spend time interfacing with the general public, community leaders and organizations, advertisers, and underwriters. It reduces the amount of time available for these essential activities.

The operational business model for every commercially licensed radio station is to sell advertising to local businesses to fund staff payroll and other expenses of operation. Noncommercial educational stations must raise funds for operations without the benefit of being able to sell commercials. In either case, stations are able to survive only if they can provide a living wage to employees. The old rules impose the requirement of a minimum fulltime staff of at two. These requirements have been imposed even on the smallest rural stations, as well as to financially challenged AM stations, whose operations may not be able to realistically support two full time employees. Ironically, in many cases, such small and financially challenged stations are the ones that most closely adhere to the ideal model of community service. In many cases, meaningful public service programming is actually the *raison d'être* and stock in trade of small stations. Yet it is they for whom these rules constitute the greatest burden and restriction of their efforts.

For these reasons, an attended main studio and two employees are no longer necessary for the purpose of assuring station public file accessibility. In today's circumstances, the main studio rules and requirements are actually counterproductive and harmful. Therefore, they can and should be eliminated when a station's public file is posted online and it maintains a local or toll-free telephone number in the community of license with a staff member generally available by phone during regular business hours.

I have written these comments as an owner and consultant based on firsthand experience as a radio broadcaster since 1964 (full time since 1974), general manager since 1980, station owner since 1985, and founder of a daytime AM and seven small FMs, four of which I continue to operate. All but two have typically been staffed by two fulltime employees, and deeply involved in serving their local communities in many ways. None has ever received a request from a member of the public to inspect the public file.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Jackson", with a stylized flourish at the end.

Dennis Jackson
Owner/Founder
WCLX, WPUT, WQQQ, and WRIP